

Serial No. 10/710,307
Attorney Docket No. 70655.1300

REMARKS

Applicants reply to the Office Action mailed on November 21, 2006, within two months. Thus, Applicants request an Advisory Action, if necessary. Claims 1-19 were pending and the Examiner rejects claims 1-19. In reply, Applicants amend claims 1 and 10, add new claims 20-21, and address the Examiner's remarks. Thus, claims 1-21 are now pending in the application. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants respectfully assert that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made and therefore, Applicants have complied with 37 C.F.R. § 1.56.

35 U.S.C. § 103 (a) REJECTIONS

Claims 1-15 and 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2005/0122209 ("Black") in view of U.S. Patent Application No. 2005/0098621 ("de Sylva"). Claim 16 stands rejected as unpatentable over Black/de Sylva in view of U.S. Patent Application No. 2002/0043566 ("Goodman"). Applicants respectfully traverse these rejections.

Applicants' amendment to independent claim 1 renders these rejections moot. As indicated by the Examiner in the Office Action dated November 29, 2005, regarding claim 11 of application no. 10/710,308, "verifying whether the sample is associated with a preset transaction limit" is non-obvious.

Neither Black, de Sylva, nor any combination thereof, disclose or suggest at least a "smartcard transaction system configured with a biometric security device, said system comprising . . . a verification device configured to verify said proffered biometric sample to facilitate a payment transaction using an account, wherein said proffered biometric sample is associated with at least one of: a charge card account, a credit card account, a debit card account, a savings account, a private label account and a loyalty point account, and wherein said verification device is further configured to verify whether said proffered biometric sample is associated with a preset transaction limitation," as recited in amended claim 1.

Serial No. 10/710,307
Attorney Docket No. 70655.1300

Accordingly, Applicants assert that claim 1 is patentable over the cited references. Similarly, claims 2-19 variously depend from claim 1 and contain all of the elements thereof. Therefore, Applicants respectfully submit that claims 2-19 are differentiated from the cited reference at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-19.

NEW CLAIMS 18-21

New claims 20-21 variously depend from claim 1 and contain all of the elements thereof. Therefore, Applicants assert that new claims 20-21 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features.

CONCLUSION

Applicants respectfully submit that the pending claims (21 total, 1 independent) are in condition for allowance. No new matter is added in this Reply. Reconsideration of the application is thus requested. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Respectfully submitted,

Dated: January 17, 2006

By: Kirk Dorius
Kirk Dorius
Reg. No. 54,073

SNELL & WILMER L.L.P.
400 East Van Buren
One Arizona Center
Phoenix, Arizona 85004-2202
Telephone: (602) 382-6544
Facsimile: (602) 382-6070
E-mail: kdorius@swlaw.com

AXP No. 200501316
1778283